

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HARETHO OMAR,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CASE NO. 2:22-cv-01386-LK

ORDER GRANTING STIPULATED
MOTION FOR ATTORNEY'S
FEES

This matter comes before the Court on the parties' stipulated motion for attorney's fees under the Equal Access to Justice Act ("EAJA"). Dkt. No. 22. Plaintiff Haretho Omar seeks attorney's fees in the amount of \$10,000, to which the parties have stipulated as reasonable attorney's fees in this matter. *Id.* at 1.

The EAJA provides that:

A party seeking an award of fees and other expenses shall, within thirty days of final judgment in the action, submit to the court an application for fees and other expenses which shows that the party is a prevailing party and is eligible to receive an award under this subsection, and the amount sought, including an itemized statement from any attorney or expert witness representing or appearing in behalf of the party stating the actual time expended and the rate at which fees and other

1 expenses were computed. The party shall also allege that the position of the United
 2 States was not substantially justified. Whether or not the position of the United
 3 States was substantially justified shall be determined on the basis of the record
 4 (including the record with respect to the action or failure to act by the agency upon
 5 which the civil action is based) which is made in the civil action for which fees and
 6 other expenses are sought.

28 U.S.C. § 2412(d)(1)(B).

7 The parties have satisfied the requirements of 28 U.S.C. § 2412(d)(1)(B). The parties filed
 8 the instant motion on December 16, 2024, Dkt. No. 22, which was before the Court entered final
 9 judgment in this action but after the Court “substantially grant[ed Omar’s] remedy” by vacating
 10 the Commissioner’s decision to deny Omar’s application for benefits. *Auke Bay Concerned*
 11 *Citizen’s Advisory Council v. Marsh*, 779 F.2d 1391, 1393 (9th Cir. 1986); *Dora R.S. v. O’Malley*,
 12 No. 23-cv-00636-AJB-SBC, 2024 WL 4439260, at *1 (S.D. Cal. Oct. 7, 2024); *see also*
 13 *Melkonyan v. Sullivan*, 501 U.S. 89, 94–96 (1991); *Flores v. Shalala*, 49 F.3d 562, 568 (9th Cir.
 14 1995). The Court also agrees, based on its review of the record, with the parties’ stipulation that
 15 Omar was the prevailing party in this matter and that the Commissioner’s position was not
 16 substantially justified. Dkt. No. 22 at 1.

17 After independently reviewing the itemized statement submitted by Omar’s counsel, Dkt.
 18 No. 22-2 at 4–5; *Hensley v. Eckerhart*, 461 U.S. 424, 433, 436–37 (1983), the Court confirms that
 19 the statement is satisfactory under 28 U.S.C. § 2412(d)(1)(B) and that the rates charged by Omar’s
 20 attorney were in accordance with the statutory maximum hourly rates permitted for work
 21 performed in the Ninth Circuit for any given year, U.S. Courts for the Ninth Circuit, Statutory
 22 Maximum Rates Under the Equal Access to Justice Act,
 23 <https://www.ca9.uscourts.gov/attorneys/statutory-maximum-rates> (“Maximum Rate Table”) (last
 24 visited January 13, 2025); *see also* 28 U.S.C. § 2412(d)(2)(A); Ninth Circuit Rule 39-1.6. At the
 statutory amount, Omar’s attorney’s fees amounted to \$12,287.31 for 50.4 hours of time billed to

1 this matter between 2022 and 2024. Dkt. No. 22-2 at 5. The parties' stipulation of \$10,000 in
2 attorney's fees is therefore reasonable. Dkt. No. 22 at 1.

3 For the foregoing reasons, the Court GRANTS the parties' stipulated motion for attorney's
4 fees, Dkt. No. 22, and awards Omar \$10,000 in attorney's fees, subject to any offset allowed under
5 the Treasury Offset Program. 31 U.S.C. § 3716; *see also Astrue v. Ratliff*, 560 U.S. 586, 595–98
6 (2010). Payment of EAJA fees shall be sent to Omar's attorney by either EFT or check: Law Office
7 of Grace V. Dyer, P.S, 1721 Hewitt Avenue, Suite 517, Everett, WA 98201.

8 Dated this 15th day of January, 2025.

9 

10

Lauren King
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24